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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,880	06/16/2005	Remy Cricco	032326-304	8760

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EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/534,880	CRICCO ET AL.
	Examiner	Art Unit	
	Michael Vu	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 July 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's Remarks/Arguments filed July 27, 2006, have been fully considered but they are not persuasive.

In response to applicant's Remarks/Arguments in claim 1, that 'neither references of Minear and Qu relates to the downloading of an application having a first part that intended for a terminal and second part intended for a chip card that is accepted in such a terminal" on page 3, lines 8-11.

Additional, there is no teaching of the steps of "constructing in the server an application message containing the first application part and the second formatted application part" and "transmitting the application message from the server to the terminal over a single transmission channel" on page 3, lines 19-23.

Examiner respectfully disagrees. The examiner has been carefully reviewed the Applicant's Remarks to all claims that Minear indeed teach the wireless device, such as cellular phone has computer platform that can receive and execute software applications transmitted from the application download server, in which relate to the downloading of an application having a first part that intended for a terminal device (e.g. cellular #12, figure #2). Further Minear teach an application download server #16, Figure #2, that downloaded from the application download server and resident on the local database of the terminal device #12, by formatting in the applicant server for

compatibility with a protocol for communication between the terminal and PCMCIA

cards, this process such as microprocessor and/or processor executes the application

programming interface with the PCMCIA cards and/or removable chip cards that

respectively to the second formatted application part in the terminal device. Moreover,

the terminal device contains an interpreter of the **Java and/or Microsoft software**

and/or Java Application Descriptor for managing the data exchange between the

networks to terminal device (See paragraphs [0023, 0026-0028]).

Qu clearly teach the terminal sends the data to the removable module, in which

the application data to be downloaded to its removable module such as SIM card,

PCMCIA card. The terminal then extracts the application data from the received

data/message and sends it to the removable module via an ENVELOPE command. The

removable module receives and stores the application data and sends a Response

command back to the terminal to acknowledge the data download by using application

level data formats and procedures. The application data download is then complete.

The APDU (Application Protocol Data Unit) format for the ENVELOPE command and

Response are described in detail in **GSM** 11.11, entitled "Digital cellular

telecommunications system (Phase 2+); Specification of the Subscriber Identity Module-

-Mobile Equipment (SIM--ME) Interface," which is publicly available and incorporated

herein by Qu (See paragraph [0031, 0049-0052]).

Therefore, the argued limitations are the same as disclosed by the reference or

the limitations are written broad such that they read on the cited art, rejections are

maintained as repeated below:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a
person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived
by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Minear (US 2003/0032417) in view of Qu (US 2004/0076131).

Regarding **claim 1**, Ritter teaches a method for loading from a server an

application including a first part intended for a terminal provided with an application

management means and a second part intended for a chip card accepted in the

terminal (Fig. 2, Download Server #16 [0023]),

but Minear does not clearly mention on comprising the following steps of:

supplying to the terminal a loading means for loading the second application part in the

chip card formatting in the server the second application part so that it is compatible

with a protocol for communication between the terminal and the chip card constructing

in the server an application message containing the first application part and the second

formatted application part transmitting the application message from the server to the

terminal over a single transmission channel installing in the terminal the first application

part extracted from the application message via the management means, and loading

the second application part extracted from the application message from the terminal

into the chip card according to the predetermined communication protocol under the

control of the loading means.

However, Qu teaches the techniques for performing data download to removable

module or SIM card via the mobile telephone then extract the application data from the

received mobile telephone to the removable module, and each application data to be

assigned to and identified by a specific service category identifier (Fig. 2, Abstract,

[0005, 0008, 0013, 0024]).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Minear, such that constructing in the server an

application message containing the first application part and the second formatted

application part transmitting the application message from the server to the terminal

over a single transmission channel installing in the terminal the first application part

extracted from the application message via the management means, and loading the

second application part extracted from the application message from the terminal into

the chip card according to the predetermined communication protocol under the control

of the loading means, to provide the efficiently download application data via SMS in the

telecommunication systems.

Regarding **claim 2**, Minear/Qu teach a method according to claim 1, Qu further

teaches wherein the constructed application message contains a descriptor of the

application with at least one identifier of the second application part, and the

management means analyzes the descriptor in the application message received by the

terminal so that the second application part is extracted from the application message

according to the identifier in the analyzed descriptor (Fig. 2 to Fig. 5, Tables 1-3 and 5-6

[0013, 0031, 0047, 0067-0068, 0057]) of Qu.

Regarding **claim 3**, Minear/Qu teach a method according to claim 1, Qu further

teaches wherein the loading means is installed in advance in the form of a software

module in the terminal (Fig. 2 to Fig. 5, [0006, 0008, 0013, 0031]) of Qu.

Regarding **claim 4**, Minear/Qu teach a method according to claim 1, Qu further

teaches comprising the steps of introducing the loading means in the form of a script

during the construction of the application message to be transmitted from the server to

the terminal and installing the of the loading means by extraction of the script in the

application message received by the terminal before the loading of the second

application part (Fig. 2 to Fig. 5, Tables 1-3 and 5-6 [0013, 0031, 0047, 0067-0068,

0057]) of Qu.

Regarding **claim 5**, Minear/Qu teach a method according to claim 1, Qu further

teaches comprising the steps of introducing of an address of a loading script during the

construction of the application message to be transmitted from the server to the

terminal, installing of the loading means by extraction of the script address in the

application message received by the terminal, and a downloading of the script from the

extracted address in the terminal before loading the second application part (Fig. 2 to Fig. 5, Tables 1-3 and 5-6 [0013, 0031, 0047, 0067-0068, 0057]) of Qu.

Regarding **claim 6**, Minear/Qu teach a method according to claim 1, Minear further teaches comprising, after the step of loading the second application part, the step of deleting the second application part in the terminal (Title, Abstract [0023]) of Minear.

Regarding **claim 7**, Minear/Qu teach a method according to claim 1, Qu further teaches comprising, after the step of loading the second application part, the step of transmitting an acknowledgement message from the terminal to the server M as soon as the management means has finished loading of the second application in the chip card [0031] of Qu.

Regarding **claim 8**, Minear/Qu teach a method according to claim 1, Qu further teaches wherein the second application part is segmented into protocol units which are in accordance with the communication protocol and which are loaded successively in the chip card under the control of the loading means, and further including the step of transmitting from the chip card an acknowledgement response after the loading of each protocol unit [0031] of Qu.

Regarding **claim 9**, Minear/Qu teach a method according to claim 1, Qu further teaches wherein the first and second application parts are written in high-level languages and are converted into an intermediate language that can be interpreted respectively by virtual execution means respectively implemented in the terminal and the chip card [0080] of Qu.

Regarding **claim 10**, Minear/Qu teach a method according to claim 1, wherein the terminal is a mobile radiotelephone terminal [0008].

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Michael T. Vu

Examiner

JEAN GELIN
PRIMARY EXAMINER